

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

**SANDRA LYN GONZALEZ,
PLAINTIFF**

V.

**TRANSPORDADA SAN JULIAN,
S.A. DE C.V.,
DEFENDANT**

§
§
§
§ CIVIL CASE NO. _____
§ JURY DEMAND
§
§

APPLICATION AND NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U. S. C. §1332(a)(2) and Rule 81 of the local rules for the Southern District of Texas, Defendant **TRANSPORTADORA SAN JULIAN, S.A. de C.V.** (“Applicant”) files this Application and Notice of Removal and in support thereof would show the Court the following:

1. On January 3, 2019, Plaintiff, Sandra Lyn Gonzalez, filed her Plaintiff’s Original Petition in a cause of action against Defendant, Transportadora San Julian, S.A. de C.V., in the 332nd Judicial District Court in Hidalgo County, Texas, Cause No. C-0051-19-F.
2. On February 8, 2019, Defendant Transportadora San Julian, S.A. de C.V. filed its Original Answer.
3. Pursuant to 28 U.S.C. § 1446 this notice of removal was filed within 30 days after the Defendant Transportadora San Julian, S.A. de C.V. was sued and served with this lawsuit.
4. This case is one which is removable based upon diversity jurisdiction.
5. Transportadora San Julian, S.A. de C.V. is a corporation domiciled in Mexico. Therefore, removal is based upon diversity jurisdiction.

6. The action described in paragraph 1 arises from a motor vehicle incident that occurred in Hidalgo County, Texas on or about March 29, 2018. Defendant pleads that the Court has subject matter jurisdiction over this action because Plaintiff seeks damages in excess of this court's minimum jurisdictional limits and the lawsuit arises out of events or omissions that occurred in Hidalgo County. This case is being removed to the district and division from where the state court action was pending.

7. The amount in controversy exceeds \$75,001.00. In Plaintiff's Original Petition, Plaintiff seeks monetary relief of no more than \$100,000.00.

8. Pursuant to Rule 81 of the Local Rules of the Southern District of Texas Applicant would show the following:

- a. Plaintiff: Sandra Lyn Gonzalez
- b. Defendant: Transportadora San Julian, S.A. de C.V.
- c. Status of service of process: Transportadora San Julian, S.A. de C.V. was served with Plaintiff's Original Petition on February 6, 2019.
- d. Counsel for each party is as follows:

Counsel for Plaintiff, Sandra Lyn Gonzalez:
Timothy A. Davis
State Bar No. 00790570
Davis Law, PC
1320 N. 10th Street, Suite 140
McAllen, Texas 78501
Telephone: (956) 540-7807
Facsimile: (946) 664 -2500

Counsel for Defendant Transportadora San Julian, S.A. de C.V.:
Tamara L. Rodriguez
State Bar No. 00791647
Federal Bar No. 18972
Vidaurri, Lyde, Rodriguez & Haynes, LLP
202 North 10th Avenue
Edinburg, TX 78541
Tel: 956-381-6602

Fax: 956-381-0725

- e. A jury was demanded by Defendant Transportadora San Julian, S.A. de C.V. in the district court and the jury fee was paid.
- f. Name and address of court from which the case is being removed:

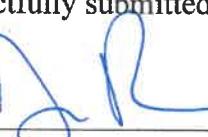
332nd Judicial District Court
Hidalgo County
100 North Closner
Edinburg, Texas 78539

9. Pursuant to Local Rule 81, a copy of all pleadings asserting causes of action and all answers to such pleadings, a copy of the docket sheet and an index of the matters being filed are attached hereto.

WHEREFORE PREMISES CONSIDERED, Applicant prays that the above action now pending in the 332nd Judicial District Court of Hidalgo County, Texas, Cause No. C-0051-19-F, styled *Sandra Lyn Gonzalez, Plaintiff v. Transportadora San Julian, S.A. de C.V., Defendant*, be removed to this Court pursuant to Rule 28 U.S.C. §1332 and Rule 81 of the Local Rules of the Southern District of Texas and that Applicant may have such other and further relief at law or in equity to which it may show itself justly entitled.

Respectfully submitted,

By:



Tamara Rodriguez
State Bar No. 00791647
Federal Bar No. 18972
Attorney in Charge

Of Counsel:

Vidaurri, Lyde, Rodriguez & Haynes, LLP
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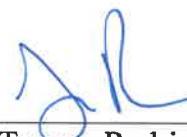
Attorneys for Defendant
Transportadora San Julian, S.A. de C.V.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Application and Notice of Removal has been forwarded to opposing counsel on this the 22 day of February, 2019, as follows:

Eservice: timm@tdavislawpc.com

Timothy A. Davis
Davis Law, P.C.
1320 N. 10th Street, Suite 140
McAllen, Texas 78501



Tamara Rodriguez